

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV-24-04546-SB (AGRx) Date: April 4, 2025

Title Shakey's Pizza Asia Ventures, Inc. v. PCJV USA, LLC, et al.

Present: The Honorable: Alicia G. Rosenberg, United States Magistrate Judge

K. Lozada
Deputy Clerk

CS 04/04/2025
Court Reporter / Recorder

Attorneys Present for Plaintiff:
Michael Donnelly Murphy
Jordan Zollicoffer

Attorneys Present for Defendants:
Arash Beral
Todd Matthew Malynn

Proceedings: VIDEO DISCOVERY CONFERENCE

Case is called. Counsel state their appearances. The court and counsel conferred as stated on the record regarding the joint agenda filed on April 3, 2025. (Dkt. No. 139.)

Pursuant to the District Court's Case Management Order, a "motion seeking or opposing further nonexpert discovery must be heard on or before the nonexpert discovery deadline," which expired on March 14, 2025. (Case Management Order ("CMO") at 2 & n.1, Dkt. No. 29.)

Accordingly, the court determined that the proposed motions to compel fact discovery listed in the Joint Agenda are untimely without prejudice to the parties' ability to obtain relief from the applicable deadlines from the District Judge. In the District Judge's Order Denying Ex Parte Application, filed on December 4, 2024, the District Court permitted Plaintiff to add trade secret claims in the First Amended Complaint and expressly noted that: "To the extent the amendment prevents the parties from complying with the current deadlines despite their exercise of diligence, the Court will consider a properly supported request for a reasonable extension of the deadlines in the case management order." (Order at 2 n.2, Dkt. No. 80.) In addition, Plaintiff's counsel points out that summonses were issued on March 31, 2025, after the close of fact discovery, for new parties named by Defendants as third-party defendants. (Joint Agenda at 4, Dkt. No. 139; *see* Dkt. Nos. 137, 140.) Plaintiff's counsel represents that such new third-party defendants have not had an opportunity to conduct discovery in this case.

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The court addressed the sole expert discovery related matter, which has a hearing deadline of April 11, 2025. (CMO at 2, Dkt. No. 29.) On February 28, 2025, Defendants served an expert report for Jason A. Engel as part of its Initial Disclosures. (Exh. 1 to Initial Disclosures of Defendants, Counterclaimants, and Third Party Plaintiffs, Dkt. No. 139-12.) In Exhibit 3 to that report, Mr. Engel lists the documents “we reviewed and considered in connection with this report.” (Dkt. No. 139-12 at 19, 44-45.)

This court ordered Defendants to produce the documents listed in Mr. Engel’s Exhibit 3 by April 11, 2025. Fed. R. Evid. 1006. Plaintiff’s counsel requested Mr. Engel’s deposition. Counsel will be ordered to confer as to Mr. Engel’s availability for deposition on or before the expert discovery cut-off date of April 11, 2025.

The court then discussed Defendants’ proposed Rule 37(b) motion regarding Plaintiff’s failure to meet various deadlines for serving a supplemental response to Interrogatory No. 1 and for certain tasks involved in search for and producing documents in response to certain document requests pursuant to this Court’s Order dated March 12, 2025. (Order, Dkt. No. 128.) Plaintiff proposes to request an extension of those very deadlines. To avoid duplicative briefing, the court set the briefing and hearing schedule set forth below.

Finally, the court set a settlement conference on May 7, 2025, at 1:30 p.m. PST via Zoom.

Order

IT IS ORDERED that:

1. All proposed motions to compel fact discovery, as listed in the Joint Agenda, are untimely without prejudice to the parties’ ability to obtain relief from the applicable deadlines from the District Judge.

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2. On or before April 7, 2025, counsel shall confer regarding the availability of Mr. Engel (Defendants' designated expert) for deposition on or before April 11, 2025.
3. On or before April 11, 2025, Defendants shall produce the documents listed in Exhibit 3 to Mr. Engel's expert report.
4. The briefing and hearing schedule on Defendants' proposed motion to enforce the Order dated March 12, 2025 is as follows:

April 14, 2025 Defendants may file the proposed motion

April 25, 2025 Plaintiff may file an opposition and cross-motion for reconsideration of the deadlines at issue in Defendants' motion

May 9, 2025 Defendants may file a combined reply in support of its motion and opposition to Plaintiff's motion (if any)

May 16, 2025 Plaintiff may file a reply to Defendants' opposition

May 22, 2025 at 1:30 p.m. Hearing via Zoom (if the matter is not settled)

5. A settlement conference is set on May 7, 2025 at 1:30 p.m. via Zoom. The Clerk is directed to issue a separate order setting settlement conference.

cc: District Judge Stanley Blumenfeld, Jr.

	<u>1:00</u>
Initials of Preparer	<u>kl</u>